

NOV. 19. 2004 12:03PM

BROWDY AND NEIMARK, P.L.L.C.

NO. 0598 P. 1

SHERIDAN NEIMARK  
ROGER L. BROWDY

ANNE M. KORNBAU  
NORMAN J. LATKER  
DIANA MICHELLE SOBO  
AOI NAWASHIRO

OF COUNSEL  
IVER P. COOPER  
JAY M. FINKELSTEIN

ATTORNEYS AT LAW  
PATENT AND TRADEMARK CAUSES  
SUITE 300  
624 NINTH STREET, N.W.  
WASHINGTON, D.C. 20001-5303  
TELEPHONE (202)-628-5197

ALVIN BROWDY (1917-1998)  
PATENT AGENT  
ALLEN C. YUN, PH.D.  
TELECOPIER FACSIMILE  
(202) 737-3528  
(202) 393-1012  
E-MAIL  
mail@browdynemark.com

TELEFAX CONTROL SHEET

SENT TO: Examiner Alana Harns

Art Unit 1642 Comb. # 9907

DATE SENT: November 19, 2004

SUBJECT: U.S. 09/763,370

No. of pages (including this cover sheet): 41 pages

FROM: Jenny Abbott - Secretary

Remarks:

Attached is a copy of the Reply filed January 15, 2004,  
postcard receipt, and copies of the three articles.  
(AE Form PTO-2038 is not attached).

RECEIVED  
CENTRAL FAX CENTER

NOV 19 2004

CONFIDENTIALITY NOTE

This confidential facsimile message is intended only for the individual entity named above, and may contain information that is privileged and exempt from disclosure under applicable law. If you, the reader of this message, are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that you should not copy this facsimile or distribute it to anyone other than the intended recipient. In addition, if you have received this telecopy in error, please immediately notify us by telephone or telefax and return the original message to us at the address above via the United States Postal Service. Finally, if it would not inconvenience you, we would appreciate it if you would first fax this message to the intended recipient. Thank you.

If this transmission is not well received, please advise us at our telecopier no. 202-737-3528 or by e-mail at mail@browdynemark.com, or call our voice telephone no. 202-628-5197.

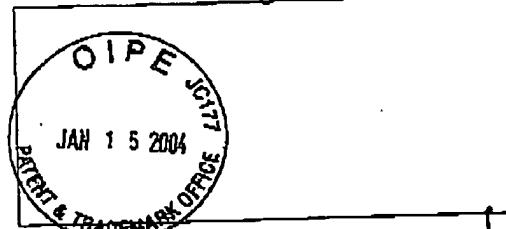
APPLICATION/PATENT NO: 09/763,370  
DOCKET NO: OGATA 54

THE PATENT AND TRADEMARK OFFICE STAMP  
HEREON ACKNOWLEDGES RECEIPT OF THE  
FOLLOWING PAPERS:

FEES \$ 950<sup>00</sup>  PTO FORM 2038  (CH. # \_\_\_\_\_)  
 EXTENSION OF TIME (3 MONTHS)  
 TRANSMITTAL LETTER  
 MISSING PARTS RESPONSE WITH DECL  
 AMENDMENT/RESPONSE (circle one)  
 PRELIMINARY  SUPPLEMENTAL  
 APPLICATION DATA SHEET  
 RESTRICTION/ELECTION REPLY  
 SEQUENCE LISTING  WITH DISK  
 RCE TRANSMITTAL  
 NOTICE OF APPEAL  
 APPEAL BRIEF (TRIPPLICATE)  
 REPLY BRIEF (TRIPPLICATE)  
 OTHER 3 art files

B&amp;N-1

CONF. NO.: 9907  
CLIENT CODE: YUAS



ASSIGNMENT  
 INFORMATION DISCLOSURE STATEMENT  
 FORM SB08A & \_\_\_\_\_ PATENTS/PUBS  
 PRIORITY DOCUMENT(S) NO. \_\_\_\_\_  
 DECLARATION UNDER § \_\_\_\_\_  
 \_\_\_\_\_ SHEETS OF FORMAL DRAWINGS  
 ISSUE FEE TRANSMITTAL FORM  
 PUBLICATION FEE  
 MAINTENANCE FEE LETTER

NOV. 19. 2004 12:03PM

BROWDY AND NEIMARK

NO. 0598 P. 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Esturo OGATA et al

Application No.: 09/763,370

Filed: February 21, 2001

For: METHOD OF DIAGNOSING BONE METASTASIS

Confirmation No.: 9907

Art Unit: 1842

Examiner: A. HARRIS

Washington, D.C.

Atty.'s Docket: OGATA=4

Date: January 15, 2004

Customer Window, Mail Stop \_\_\_\_\_  
 THE COMMISSIONER OF PATENTS AND TRADEMARKS  
 Arlington, VA 22202

Sir:

Transmitted herewith is a  REPLY, AMENDMENT AND REMARKS in the above-identified application.

Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
 A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.  
 No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL • 17	MINUS -- 20	0
INDEP. • 2	MINUS --- 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM		

ADDITIONAL FEE TOTAL \$

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 43	\$
+ 145	\$

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 86	\$
+ 280	\$
TOTAL \$	

- If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

 Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

 It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

First - \$ 55.00  
 Second - \$ 210.00  
 Third - \$ 475.00  
 Fourth - \$ 740.00

Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

First - \$ 110.00  
 Second - \$ 420.00  
 Third - \$ 950.00  
 Fourth - \$ 1,480.00

Month After Time Period Set

Less fees (\$\_\_\_\_\_) already paid for \_\_\_\_ month(s) extension of time on \_\_\_\_\_.

Please charge my Deposit Account No. 02-4035 in the amount of \$\_\_\_\_\_.

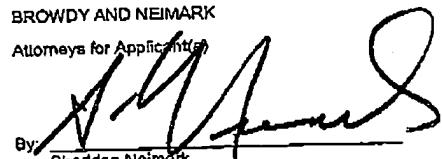
Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 050.00.

A check in the amount of \$\_\_\_\_\_ is attached (check no. ).

The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

By:   
 Sheridan Neimark  
 Registration No. 20,520

Faximile: (202) 737-3528  
 Telephone: (202) 828-5197